THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

TUESDAY, THE 26th DAY OF JULY, 2005.

WRIT PETITION NO :12591 of 2005

Between:

K. Visweswara Rao … Petitioner

And

The Commissioner, Visakhapatnam and four others

…Respondents

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT PETITION NO :12591 of 2005

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

This is a taken up case on the representation dated 09.05.2005 sent by the petitioner seeking a direction to the respondents to call for records and remarks from the respondents with regard to the proposed construction of Garbage Transfer Station in Municipal Sewage Farm, which is in the middle of populated residential area.

The grievance of the petitioner is that he met Commissioner of Visakhapatnam

Municipal Corporation and expressed their difficulties and problems on account of the proposed construction of Garbage Transfer station in the vicinity of the residential locality, but he paid a deaf ear and he is going ahead with the construction work. The petitioner further stated that the proposed construction has to be far away from the city. Otherwise, the public, who are residing in this locality, shall have to face so many health problems.

In contra, the 2nd respondent filed a counter-affidavit stating that in big city, where the disposal site is far from it, is desirable to have a transfer station for quick disposal/clearance of garbage and it will ensure optimum utilization of transport vehicles and also minimize the cost of transportation. It is also stated that the transfer station should have a proper security mechanism in the form of a compound wall, watch and ward and maintenance staff. It is further stated that the main process in transfer station that will be adopted in MCV-Sewage Farm is that the dumper placer will take the dumper bin on to the platform along the ramp and empty it in to the bigger vehicle kept on the ramp side and as and when the bigger vehicle is filled with garbage, it will immediately be transported to dumping yard which is 23 km., away from the city, and in that process, there is no possibility of unbearable stringent bad smell, mosquito etc. It is further stated that the garbage will not be deposited any where but it will be taken in a big iron container from the wards and taken on to the ramp constructed in the Municipal Sewage Farm, which is nearly 3 acres site surrounded by all Municipal Buildings. It is also stated that the transfer station will not create any nuisance to the residents and should adopt all precautionary measures.

A reading of the counter-affidavit clearly goes to show that the Garbage Transfer Station is proposed to be established at the place as stated by the petitioner and a ramp is also proposed to be constructed to empty the dumper bin and the respondents are proceeding with the dumping of garbage in the containers for onward transmission in the bigger vehicles. Such a proposal to erect a station in the vicinity of the public at large, may lead to deteriorating the hygienic atmosphere in the locality.

It is not out of place to mention that there was an interim direction issued by a Division Bench of this Court on 29.6.2005, to the effect that there shall not be any construction as to the Garbage Transfer Station until further orders.

In view of the facts and circumstances of the case and in view of safeguarding the prevailing hygienic atmosphere in the vicinity of the public at large, We have no hesitation to hold that the proposed construction in the vicinity, where the public are residing, may cause harm and inconvenience to them personally and hygienically and therefore, it is a fit case where the respondents can be directed to shift the proposed construction to some other place, which is not a residential locality.

Accordingly, this writ petition is disposed of directing the 1st respondent to stop the construction of the proposed Garbage Transfer Station, in case the construction is under process or otherwise, to give necessary instructions to the concerned authorities for shifting the proposed Garbage Transfer Station to a far place from the city.

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T. MEENA KUMARI, J

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P. LAKSHMANA REDDY, J

26.07.2005

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